Serial No. 10/178,415, filed June 24, 2002, which remains pending, and which is a continuation of application Serial No. 09/691,758, filed October 18, 2000, now U.S. Patent No. 6,425,823, which is a continuation of application Serial No. 08/950,858, filed October 15, 1997, now U.S. Patent No. 6,336,862, which is a continuation of application Serial No. 08/617,807, filed March 6, 1996, which represents the U.S. National Phase application of P.C.T. Application No. PCT/AU94/00503, filed Monday, August 29, 1994, now U.S. Patent No. 5,830,063, which claims priority from Applicant's corresponding Australian patent application, filed August 27, 1993. The effective filing date for the instant continuation application is therefore submitted to be August 27, 1993.

By the present preliminary amendments, Applicant has cancelled original Claims 1-15 and has added new Claims 16-27, of which claims 16, 18, 20, 22, 24 and 26 are presented in independent form.

Pending Claims 16-19 of the present continuation application are copied from Tracy et al., U.S. Patent No. 6,416,408, and are numbered as Claims 1-4, respectively, of U.S. Patent No. 6,416,408.

Tracy et al., U.S. Patent No. 6,416,408, was issued on July 9, 2002, and therefore this continuation application, which copies claims from U.S. Patent No. 6,416,408 for the purpose of provoking an interference, presents claims copied

from said patent less than one year since the issuance of U.S. Patent No. 6,416,408, and therefore is in compliance with 35 U.S.C. §135(b)(1). The provisions of 35 U.S.C. §135(b)(2) do not apply to U.S. Patent No. 6,416,408, which has a filing date of June 23, 1999. *See*, *Ex parte McGrew*, 41 USPQ2d 2004 (PTO Bd. Pat. App. & Inter. 1995). *See*, 37 C.F.R. §1.607(a)(6).

Copied Claims 16-19, along with newly-drafted independents Claims 20-27, have been presented in the instant continuation application for the purpose of provoking an interference between the claims pending in this application and Claims 1-4, respectively, of U.S. Patent No. 6,416,408.

It is respectfully contended that Applicant's disclosure adequately supports the subject matter of Claims 1-4 of U.S. Patent No. 6,416,408 (in addition to newly-drafted Claims 20-27), as required by 35 U.S.C. §112, first paragraph when such claims are given their broadest reasonable interpretation. *See*, *DeGeorge v. Bernier*, 768 F.2d 1318, 226 USPQ 758, 761-762 (Fed. Cir. 1985) ("the broadest interpretation is always applicable so long as it is reasonable").

Comparing the claims now pending in the instant continuation application with those claims patented in Tracy et al., U.S. Patent No. 6,416,408, the "individual participation wagering game" or "base game" in Tracy et al. is readily analogized to Applicant's Standard Keno Game. Tracy et al.

discusses (at page 5 of the enclosed PTO version of U.S. Patent No. 6,416,408) that the "individual participation game" may include such games as "keno, bingo, slot machines, card games," etc. The "multiplier game" of Tracy et al. is analogized to the Collateral ("Super Keno") Game of the instant Applicant, in that the Collateral Game payout is dependent upon a parameter achieved in Applicant's Standard Keno Game.

Further, Applicant's Specification, as filed, makes clear that a player playing the Standard Game may also "take a second entry" and participate in Applicant's Collateral Game, *see*, *e.g.*, Applicant's Specification at Page 2, lines 8-14, thereby permitting the same player to be playing both the Standard Game and Collateral Game at the same time, which is the same as a player, following the method claimed by Tracy et al., who participates in both the individual and group participation wagering games. It further follows that, when the same player is playing in both games, and wins both games, that the players total payout is, at least, partially a function of the prize received in Applicant's Standard Game. There is no suggestion in Applicant's Specification that, when a player wins the Collateral (Super Keno) Game, while also winning the Standard Keno Game, that the player must forfeit his payout in the Standard Game in order to receive a share of the jackpot in the Collateral Keno Game.

The instant Applicant, therefore, respectfully submits

that his Specification, as originally-filed, supports the method limitations of the claims now being copied from Tracy et al., U.S. Patent No. 6,416,408, issued July 9, 2002, as well as new Claims 20-27, which have been drafted by Applicant and are submitted to interfere with, and dominant, the claims patented by Tracy et al.

The foregoing application of Applicant's disclosure against the claims of Tracy et al. U.S. Patent No. 6,416,408, issued July 9, 2002, pursuant to 37 C.F.R. §1.604(a), is intended to be merely illustrative of one of several ways in which Applicant's disclosure may be used to support the claims which the instant Applicant is now copying from Tracy et al., U.S. Patent No. 6,416,408, and has also added at this time, and is not intended as being the singular manner in which Applicant's Specification may be applied for supporting the copied claims under 35 U.S.C. §112, first paragraph.

Applicant's effective filing date, based upon his P.C.T. international filing date and Australian priority claim is August 27, 1993, which antedates the filing date of Tracy et al., U.S. Patent No. 6,416,408, which is June 23, 1999, and which claims continuation-in-part status on the basis of a patent application filed June 29, 1998.

Thus, if the subject matter of Claims 1-4 of U.S. Patent No. 6,416,408, issued July 9, 2002, is patentable to Tracy et al., the listed inventors on U.S. Patent No. 6,416,408, then

Applicant respectfully submits that such claims are, as well, patentable for him.

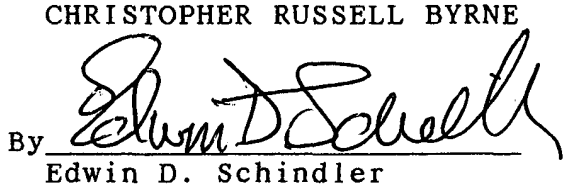
Incorporation by Reference: It is Applicant's intent to copy Claims 1-4 of U.S. Patent No. 6,416,408 into the present Preliminary Amendment. While care has been taken to ensure that each of the foregoing claims has been properly and correctly copied, in the event that a substantive, and unintentional, typographical error has been committed in the copying of the foregoing claims, Applicant hereby states that the corresponding claim(s) in Tracy et al. are hereby incorporated by reference into the instant application, to the extent necessary to account for any possible typographical error. *See, In re Goodwin*, 43 USPQ2d 1856 (PTO Comm. 1997).

In view of the foregoing, Applicant respectfully submits that pending Claims 16-27, which recite interfering subject matter with the subject matter of claims patented by Tracy et al. in U.S. Patent No. 6,416,408, are allowable as now claimed by the instant Applicant over the prior art at this time; that an interference should be declared with corresponding Claims 1-4 of U.S. Patent No. 6,416,408; that the foregoing enumerated claims of U.S. Patent No. 6,416,408 should be cancelled; and, that Applicant should be awarded priority of invention and a patent claiming the subject matter of such claims now recited in U.S. Patent No. 6,416,408.

An examination on the merits of the present application, with "special dispatch," as called for by 37 C.F.R. §1.607(b), is respectfully requested and earnestly solicited.

Respectfully submitted,

CHRISTOPHER RUSSELL BYRNE

By 

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Enc: Tracy et al., U.S. Patent No. 6,416,408, issued July 9, 2002 (copy taken from PTO Internet database).

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any fees which may be due in connection with the prosecution of the above-identified patent application, but which have not otherwise been provided for.